

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER GRANTING THE ORDER GRANTING FOUR HUNDRED FIFTY-EIGHTH OMNIBUS
OBJECTION (SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO AND THE
PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY TO MISCLASSIFIED CLAIMS

Upon the *Four Hundred Fifty-Eighth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Puerto Rico Highways and Transportation Authority to Misclassified Claims* (Docket Entry No. 20789) (the “Four Hundred Fifty-Eighth Omnibus Objection”), filed by the Commonwealth of Puerto Rico (the “Commonwealth”) and the Puerto Rico Highways and Transportation Authority (“HTA,” and together with the Commonwealth, the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

“Debtors”), dated May 13, 2022, for entry of an order reclassifying certain claims filed against the Debtors, as more fully set forth in the Four Hundred Fifty-Eighth Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Four Hundred Fifty-Eighth Omnibus Objection and to grant the relief requested therein pursuant to PROMESA Section 306(a); and venue being proper pursuant to PROMESA Section 307(a); and due and proper notice of the Four Hundred Fifty-Eighth Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and upon the *Notice of Presentment of Proposed Order Granting the Four Hundred Fifty-Eighth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Puerto Rico Highways and Transportation Authority to Misclassified Claims*, dated August 29, 2022 (Docket Entry No. 21949, the “Notice”), for entry of an order reclassifying the Claims to Be Heard (as defined below) and the Claims to Be Reclassified via Notice of Presentment², as more fully set forth in the Notice; and upon the record of the hearings held on the Four Hundred Fifty-Eighth Omnibus Objection on June 29, 2022, and the rulings made therein, sustaining the Four Hundred Fifty-Eighth Omnibus Objection as to Proofs of Claim Nos. 24320 and 17738 (the “Claims to Be Heard”) on the grounds “the portions of those claims that are currently classified as secured are reclassified as general unsecured claims” because “[t]he claimant has failed to identify any prima facie factual or legal basis supporting the assertion that the [Claims to Be Heard] are secured,” June 29, 2022 Hr’g. Tr. at 13:10-21; and the Court having determined that the relief sought in the Four Hundred Fifty-Eighth Omnibus Objection is in the best interests of the Debtors, their creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Four

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Notice.

Hundred Fifty-Eighth Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby:

ORDERED that the Four Hundred Fifty-Eighth Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the Claims to be Heard and the Claims to Be Reclassified via Notice of Presentment (collectively, the “Claims to Be Reclassified”) are hereby reclassified, such that the Claims to Be Reclassified shall now only be considered claims asserted as general unsecured claims, as set forth in the column titled “Modified Claim” in Exhibit A to the Four Hundred Fifty-Eighth Omnibus Objection, respectively; and it is further

ORDERED that the Debtors’ right to object to the Claims to Be Reclassified is reserved; and it is further

ORDERED that Kroll is authorized and directed to correct the Claims to Be Reclassified to reflect their status as general unsecured claims on the official claims register in the Title III Cases; and it is further

ORDERED that this Order resolves Docket Entry No. 20789 in Case No. 17-3283; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Dated: October 5, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge